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Attorneys for Defendants K-M Industries  
 Holding Co. Inc.; K-M Industries Holding Co.  
 Inc. ESOP Plan Committee; and CIG ESOP Plan Committee

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

THOMAS FERNANDEZ et al.,	)	Case No. C 06-07339 CW
	)	
Plaintiffs,	)	<b>STIPULATION AND [PROPOSED] ORDER</b>
	)	<b>TO EXTEND MOTION FILING</b>
vs.	)	<b>DEADLINE</b>
	)	
K-M INDUSTRIES HOLDING CO., INC, et al.	)	
	)	
Defendants.	)	
	)	
	)	
	)	

On March 27, 2008, Defendants K-M Industries Holding Co., Inc. and K-M Industries Holding Co., Inc. ESOP Plan Committee (the "Kelly-Moore Defendants") each served a set of interrogatories on plaintiffs. Plaintiffs responded timely on May 6, 2008. The parties met to confer concerning the responses on May 20, 2008. During that meet and confer, plaintiffs agreed to supplement their responses with additional and specific information.

The Order Modifying Pretrial Order dated December 16, 2007, sets May 23, 2008 as the

1 close of fact discovery in this matter. Pursuant to Local Rule 26-2, motions to compel fact  
2 discovery must be filed on or before June 4, 2008.

3 In order to allow plaintiffs sufficient time to supplement and amend their responses to  
4 defendants' interrogatories and for defendants to evaluate whether a motion to compel further  
5 responses will be necessary, the parties hereby stipulate that plaintiffs may have to and including  
6 June 4, 2008 within which to supplement and amend their responses to the Kelly-Moore  
7 Defendants' interrogatories and that said defendants may have seven court days thereafter to file a  
8 motion to compel further responses, if required. The Parties request that the Court enter an order in  
9 line with such stipulation as set forth below.  
10

11  
12 DATED: May 22, 2008

LOVITT & HANNAN, INC.

13  
14  
15 By: 

Terence F. Young

16 Attorneys for Defendants K-M Industries Holding  
17 Co., Inc.; K-M Industries Holding Co., Inc. ESOP  
18 Plan Committee; and CIG ESOP Plan Committee

19 DATED: May \_\_, 2008

20 LEWIS, FEINBERG, LEE, RENAKER &  
21 JACKSON, P.C.

22  
23 By: \_\_\_\_\_

Margo Hasselman

24 Attorneys for Plaintiffs Thomas Fernandez, Lora  
25 Smith and Tosha Thomas  
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24 Smith and Tosha Thomas  
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**ORDER**

Good cause appearing, IT IS ORDERED that Plaintiff's shall serve their supplemental responses to defendants K-M Industries Holding Co., Inc. and K-M Industries Holding Co., Inc. ESOP Plan Committee's first sets of interrogatories on or before June 4, 2008. The date upon which said defendants may move to compel further responses to said interrogatories is extended to June 13, 2008.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Claudia Wilken  
UNITED STATES DISTRICT JUDGE